

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
4:18-CV-4069

No. 19-20408

SEAN WARAICH,

Plaintiff - Appellant

United States Courts
Southern District of Texas

FILED

July 22, 2019

v.

David J. Bradley, Clerk of Court

NATIONAL AUSTRALIA BANK LIMITED; INTERNATIONAL CAPITAL
MARKETS PROPRIETARY LIMITED,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas

Before DAVIS, OWEN, and OLDHAM, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this case, the plaintiff filed a notice of appeal from the district court's order denying his motion for default judgment. "Federal appellate courts have jurisdiction over appeals only from (1) a final decision under 28 U.S.C. § 1291; (2) a decision that is deemed final due to jurisprudential exception or that has been properly certified as final pursuant to Fed. R. Civ. P. 54(b); and (3) interlocutory orders that fall into specific classes, 28 U.S.C. § 1292(a), or

that have been properly certified for appeal by the district court, 28 U.S.C. § 1292(b).” *Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809–10 (5th Cir. 1993).

Waraich filed a notice of appeal from the district court’s order denying his motion for default judgment. But that order does not fit any of the categories listed above. *See Adult Film Ass’n of Am. v. Thetford*, 776 F.2d 113, 115 (5th Cir. 1985) (per curiam). Accordingly, the appeal is DISMISSED for want of jurisdiction.



A True Copy
Certified order issued Jul 22, 2019

Lyfe W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

July 22, 2019

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 19-20408 Sean Waraich v. National Australia Bank
Ltd., et al
USDC No. 4:18-CV-4069

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

Dawn Shulin

By: _____
Dawn M. Shulin, Deputy Clerk
504-310-7658

cc w/encl:
Ms. Kathleen S. McArthur
Mr. Sean Waraich